

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL CASE NO. 5:22-cv-00134-MR**

**JOHNNIE D. ALLEN,**

**Plaintiff,**

**vs.**

**MONICA BOND, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on the North Carolina Department of Adult Corrections' (NCDAC) sealed Notice [Doc. 19] regarding the Court's Request for Waivers of Service [see Doc. 15].

The Complaint passed initial review against Defendants Justin Brien Harrold,<sup>1</sup> Darren Daves, Marcus Davis,<sup>2</sup> Kaij Emig,<sup>3</sup> Brad Williams, Jeffrey

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<sup>1</sup> "Sgt. Harrold" in the Complaint.

<sup>2</sup> "C/O Davis" in the Complaint.

<sup>3</sup> "Sgt. Emid" in the Complaint.

Shane Clawson,<sup>4</sup> Montgomery Lowery,<sup>5</sup> Kevin Roten,<sup>6</sup> Dylan M. Causby,<sup>7</sup> and Johnathan R. Madden,<sup>8</sup> and the Court initiated the procedure for waiver of service. [Doc. 15]. Service waivers have been filed for all of the Defendants except Defendants Causby and Madden. [Doc. 19]. NCDAC is unable to waive service for Defendant Causby, who is no longer employed with NCDAC, and Defendant Madden, who is currently on FMLA; it has provided these Defendants' last known addresses under seal. [See Doc. 19].

The Clerk will be directed to notify the U.S. Marshal that Defendants Causby and Madden need to be served with the summons and Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendants Causby and Madden cannot be served at the addresses provided by NCDAC, the U.S. Marshal shall be responsible for locating their home addresses so they may be served. See 28 U.S.C. § 1915(d) (in actions

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<sup>4</sup> "Unknown" in the Complaint.

<sup>5</sup> "Unknown" in the Complaint.

<sup>6</sup> "Unknown" in the Complaint.

<sup>7</sup> "C/O Causby" in the Complaint.

<sup>8</sup> "Unknown" in the Complaint.

brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915....”).

If the U.S. Marshal is unable to obtain service on Defendants Causby and Madden, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal shall not disclose Defendants’ home addresses to the *pro se* incarcerated Plaintiff and shall file any document containing such address under seal.

The Clerk of Court will be instructed to update the Court file with Defendants’ correct names as reflected in this Order.

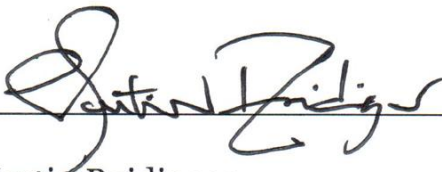
**IT IS, THEREFORE, ORDERED that** the U.S. Marshal shall use all reasonable efforts to locate and obtain service on **Defendants Dylan M. Causby and Johnathan R. Madden**. If the U.S. Marshal is unable to obtain service on Defendants Causby and Madden, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.

The Clerk is respectfully instructed to mail a copy of the Complaint [Doc. 1], the Sealed Notice containing Defendants Causby and Madden's last known addresses [Doc. 19], and this Order to the U.S. Marshal.

**IT IS FURTHER ORDERED** that the Clerk is instructed to substitute the Defendants' names in the Court's record as follows: Justin Brien Harrold for "FNU Harrold," Marcus Davis for "FNU Davis," Kaij Emig for "FNU Emid," Jeffrey Shane Clawson for "John Doe Correctional Officer 1," Montgomery Lowery for "John Doe Correctional Officer 2," Kevin Roten for "John Doe Correctional Officer 3," Dylan M. Causby for "FNU Causby," and Johnathan R. Madden for "John Doe Correctional Officer 4."

**IT IS SO ORDERED.**

Signed: April 3, 2023

  
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Martin Reidinger  
Chief United States District Judge

